

(Purpose: To provide funding for the Election Assistance Commission to make discretionary payments to States affected by Hurricane Katrina and other hurricanes during the 2005 season)

On page 203, strike line 8 and insert the following:

INDEPENDENT AGENCIES
ELECTION ASSISTANCE COMMISSION
ELECTION ASSISTANCE

For purposes of making discretionary payments to States affected by Hurricane Katrina and other hurricanes during the 2005 season to restore and replace supplies, materials, records, equipment, and technology used in the administration of Federal elections and to ensure the full participation of individuals displaced by such hurricanes, \$30,000,000: *Provided*, That any such funds shall be used in a manner that is consistent with title III of the Help America Vote Act of 2002: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. LOTT. Mr. President, I understand that this amendment has been cleared on both sides. I am pleased to join Senator DODD, who is a cosponsor of this amendment.

Speaking of elections in Iraq, we also hope to have effective and fair and open elections in America.

In the Katrina area, we had significant damage to polling places and to voting machines. We lost all of them in many areas—in New Orleans, South Louisiana, and Mississippi.

This amendment would provide \$30 million, through the Federal Elections Commission, for replacement of those losses.

I have checked on both sides of the aisle. I find no objection. I know that our managers have cleared it.

I, therefore, urge my colleagues to accept it. The amendment is certainly very worthwhile. It is needed, and it is needed right away in order to prepare for elections this fall.

I yield the floor so my colleague, Senator DODD, can further elucidate.

Mr. DODD. Mr. President, I thank my colleague, and I thank the chairman and ranking member for their acceptance of this amendment.

I point out to my colleagues that I was looking over some of the data involving the need for this appropriation.

In Louisiana, four of the most heavily impacted parishes, not counting New Orleans, a total of 60 polling places the hurricane simply swept away. These parishes lack basic services, such as electricity, generators, rest rooms, lights, and the like, creating some serious problems. We were told that FEMA would not allow for an allocation of funds in this kind of a situation—even Federal elections. It does not meet the test of assistance under the Stafford Act.

We point out to our colleagues that New York City officials were in the process of holding a primary election on September 11 when they were interrupted by the terrorist attack. FEMA in that case allowed \$8 million for the

city of New York to allow for the election process to go forward.

There are other precedents, indeed, which fall under the emergency category.

Elections are a number of weeks away, and certainly providing assistance for the most basic of all of our functioning as citizens, to make sure that every person in these Gulf State areas is able to cast a vote and have their vote count is something we all embrace.

We appreciate the managers of this amendment allowing this kind of additional appropriation on this bill.

Over 8 months ago, the lives of many Americans living in the Gulf Coast region of the United States were subject to the devastating natural disasters of Hurricanes Katrina and Rita.

Today, those impacted by the hurricanes face many of the same problems faced immediately after the storms—no homes, no jobs, no community infrastructure, and no guarantee that their lives will return to normal any time soon.

And in this election year, many of these same individuals now also face the potential that their communities will be unable to guarantee that they will be able to cast a vote and have that vote counted in the mid-term federal elections. This is simply unacceptable in America.

There are still areas of the Gulf Coast that are without basic services, such as electricity, and many areas that are still mucking out homes and demolishing buildings.

The hope and desire to rebuild their communities and restore some sense of normalcy is alive and well in the Gulf Coast. But these communities need help. And that is clearly the case when it comes to federal elections.

In Louisiana, four of the most heavily impacted parishes—not counting New Orleans—must recreate a total of 60 polling places. The hurricanes simply swept them away or destroyed them beyond use.

These parishes lack basic services such as electricity, generators, restrooms, or lights which are necessary to hold an election.

But FEMA is taking the position that the conduct of elections—even federal elections—does not meet the test for assistance under the Stafford Act.

That is a curious position for FEMA to take since that agency did provide election assistance to both New York City, following 9-11, and to Miami-Dade County, Florida, following Hurricane Andrew in 1992.

In the case of Miami-Dade—which faced a very similar situation to what the Gulf Coast faces today—FEMA provided temporary polling places, water, generators, lights, fans and portable restroom facilities on election day. FEMA also provided trailers for absentee voting in the September primary.

More importantly, FEMA even reimbursed Miami-Dade for the costs of holding the election that were over and above the normal costs of the election.

In New York City, officials were in the process of holding primary elections on September 11 when they were interrupted by the terrorist attack. Elections were rescheduled two weeks later, and FEMA reimbursed the state roughly \$8 million for the costs involved in cancelling and rescheduling the primary election.

The Katrina impacted States are not asking for anything that has not been provided by FEMA before for the conduct of elections following a natural disaster.

And yet, when these States have requested assistance to conduct elections—including federal elections—following what has been described as the most devastating hurricane season to ever hit the region, FEMA has balked.

The federal Election Assistance Commission, established in 2002 under the Help America Vote Act, has attempted to work with impacted states in order to help identify both the requirements for ensuring accurate and accessible federal elections and potential sources of assistance for these communities.

To date, FEMA has come up largely emptyhanded. So far, FEMA has been willing to only reimburse states for the uninsured loss of certain polling equipment, machines, supplies and storage facilities. In the case of Louisiana, that has amounted to just over \$1 million.

But Louisiana officials estimate that the state will face costs of up to \$18 million this year to hold elections—well in excess of what FEMA has been willing to certify to date. Similarly, Mississippi officials anticipate unreimbursed expenses for holding elections to total \$7.8 million while Alabama faces nearly \$3 million in unreimbursed costs.

And there is little reason to expect FEMA to offer more assistance. In a letter addressed to Paul DeGregorio, Chairman of the Election Assistance Commission, dated March 9 of this year, FEMA advises the EAC that—and I quote from the letter:

FEMA does not have the authority to pay for operating costs related to the conduct of elections.

Well if FEMA does not, then who does?

I would suggest to my colleagues that the Election Assistance Commission not only has the expertise to accurately access the requirements and costs of holding federal elections, but they are in a better position to do so.

Consequently, the amendment my distinguished colleague, Senator LOTT, the Chairman of the Rules Committee, and I are offering today.

It is a very modest and targeted amendment. It provides \$30 million to the Election Assistance Commission to provide grants to eligible states impacted by these natural disasters to restore and replace supplies, materials, records, equipment and technology used in the administration of federal elections and to ensure the full participation of individuals displaced by the 2005 hurricanes.